

Indiana Department of Education

Division of Special Education

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 1809.01  
COMPLAINT INVESTIGATOR: Jane Taylor-Holmes  
DATE OF COMPLAINT: September 28, 2001  
DATE OF REPORT: October 26, 2001  
REQUEST FOR RECONSIDERATION: no  
DATE OF CLOSURE: December 5, 2001

**COMPLAINT ISSUES:**

Whether the Southeastern School Corporation, Logansport Community Schools, and the Logansport Area Joint Special Services violated:

511 IAC 7-29-1(l) with regard to the school's alleged failure to comply with IC 20-8.1-5.1-12(d) when suspending a student with a disability.

511 IAC 7-21-3(c) with regard to the school's alleged failure to provide an instructional day to a student with a disability of the same length as it makes available to nondisabled secondary students in the same building.

**FINDINGS OF FACT:**

The student (the "Student") is fourteen years old and attends a high school (the "High School") outside of the Home School. The Student is eligible for special education and related services as a student with an emotional handicap.

The Student was given a suspension for two days on Friday, September 21, 2001, for insubordinate behavior as a result of refusing to go to class. The days of suspension were Monday and Tuesday, September 24 and 25, 2001. The Student was given the white copy of the *Discipline Referral/Record of Due Process Form* on Friday, September 21, 2001, and was instructed by the Special Education Supervisor to take the white copy home and show it to the Complainant. The *Discipline Referral/Record of Due Process Form* was completed and signed by the Supervisor and includes the following handwritten statement at the bottom of the page: "Conference Requested."

The *Discipline Referral/Record of Due Process Form* is comprised of four duplicate pages. The white copy is designated for the student/parent; the yellow copy for the dean; the pink copy for the counselor; and the gold copy for the teacher.

The Supervisor reported that he attempted to call the Complainant on the evening of Sunday, September 23, 2001; however, there was no answer at the Complainant's home. The Supervisor made additional attempts to call the Complainant on the morning of September 24, 2001, and again in the evening of September 24, 2001. There was no answer at the Complainant's home on any of these attempts.

The Complainant stated in her letter that she found out about the suspension when she called the High School on September 25, 2001. The High School secretary could not find the paperwork; and

therefore, the Complainant was not informed of why the Student was suspended.

The Supervisor reported that the Complainant called the High School on September 26, 2001, but he was unavailable to take the call as that was the first day of a state conference that the Supervisor was attending.

The instructional day for the High School is from 8:00 a.m. to 3:10 p.m.

The Complainant stated in her letter that the Home School bus was picking up the Student at the High School at 2:20 p.m. resulting in the Student's instructional day being shortened by 50 minutes.

The local director of special education (the "Director") reported that there was miscommunication regarding when the Home School bus was to be picking up the Student at the end of the instructional day at the High School. The Director assured that the Home School officials were working on correcting this issue.

## **CONCLUSIONS:**

Findings of Fact #2, #3, #4, #5, and #6 indicate that the Student was suspended for two days and was instructed to take the white copy of the *Discipline/Referral Record of Due Process Form* home to the Complainant, and the Supervisor made three attempts to call the Complainant to follow-up on the situation. However, when a student is suspended from school, IC 20-8.1-5.1-12(d) requires the principal to send a written statement to the parent of the suspended student describing the misconduct and the action taken. This did not happen. A violation of 511 IAC 7-29-1(l) occurred with respect to the High School complying with IC 20-8.1-5.1-12(d).

Findings of Fact #7, #8, and #9 indicate that the Student's instructional day was shortened by 50 minutes as the result of transportation provided by the Home School. A violation of 511 IAC 7-21-3(c) occurred with respect to the High School providing an instructional day to a student with a disability of the same length as it makes available to nondisabled secondary students in the same building.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

## **CORRECTIVE ACTION:**

The Southeastern School Corporation, the Logansport Community Schools, and the Logansport Area Joint Special Services shall:

1. conduct an inservice training with both school corporation professional personnel regarding the procedures to follow when suspending a student. Specifically, the requirement that the principal of a school is to send a written statement to a parent of a suspended student describing the misconduct and the action taken. A copy of the inservice training, along with a sign-in sheet of attendees by name and title, shall be submitted to the Division no later than November 26, 2001.
2. send a letter to the Complainant informing her that the case conference committee will discuss the need for compensatory services at the Student's annual case review. A copy of the letter sent to the Complainant shall be submitted to the Division no later than November 26, 2001.
3. submit a statement signed by the Home School transportation director assuring that any student

eligible for special education and related services being transported outside of their home school shall receive an instructional day of the same length as their nondisabled peers in the same building. A copy of the assurance statement shall be submitted to the Division no later than November 26, 2001.

DATE REPORT COMPLETED: October 26, 2001